

**Policy 5-109: Staff Separations**

Revision 3. Effective date: April 13, 2010

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**I. Purpose and Scope**

A. Purpose.

This policy applies to all Staff Members holding benefits eligible positions who have completed their probationary period. It outlines the policy with respect to staff employee separations that are non-disciplinary. Separation from University

employment occurs when a Staff Member is removed from the payroll because of resignation, job abandonment, retirement, or unavailability.

B. Scope.

[reserved]

## II. Definitions

The following definitions apply for the limited purposes of this policy and any associated regulations.

A. Staff Separations: occur when a Staff Member is no longer a Staff Member of the University, due to resignation, job abandonment, retirement, or an employee's unavailability.

B. Relevant employee definitions are defined in Policy 5-001.

## III. Policy

### A. Resignation and Retirement

1. A Staff Member may terminate employment with the University by submitting an oral or written resignation to the staff member's supervisor.

a. A Staff Member in an "exempt" (Fair Labor Standards Act) position who resigns should when possible provide four (4) weeks advance notice; and

b. A Staff Member in a "non-exempt" (Fair Labor Standards Act) position who resigns should when possible provide two (2) weeks advance notice.

2. Finalizing or withdrawing a resignation:

a. Supervisors should acknowledge the receipt and acceptance of both oral and written resignations in writing. Written acceptance of a resignation is to be either delivered personally to the Staff Member, sent by email, or sent by U.S. mail to the Staff Member's last known address. Written acceptance of a resignation is effective upon delivery if delivered

personally, upon sending if emailed, and upon mailing if sent by U.S. mail.

- b. Unless and until the supervisor delivers, sends or mails written acceptance of a resignation, the Staff Member may withdraw a resignation within twenty-four (24) hours (by the same time on the next business day) after submitting it. Withdrawal of a resignation must be in writing and must be delivered to the supervisor within this twenty-four (24) hour period. Even within this twenty-four (24) hour period, no resignation can be withdrawn after the delivery, sending, or mailing of a written acceptance, without manager approval.

### 3. Retirement

- a. Retirement is a type of resignation. A Staff Member may retire when the Staff Member is eligible and applies for receipt of benefit payments or annuities under the applicable benefit program in accordance with Policy 5-302, Retirement Programs.

### B. Job Abandonment

1. A Staff Member abandons the Staff Member's position, and employment with the University will be discontinued, by failing to come to work for three (3) consecutive scheduled workdays and failing to follow the Department's notification procedure.
  - a. On or after the first day missed without notice, the Department will endeavor to contact the Staff Member to determine why the Staff Member has failed to report to work.
  - b. If an Staff Member returns after 1 or 2 days without notice, the Staff Member will be subject to corrective action in accordance with Policy 5-111 .

- c. If a Staff Member fails to report to work for three (3) consecutive days, the Staff Member may be subject to separation from employment, even the Staff Member returns to work on the fourth day.
2. Separations under this provision of this policy must not occur until the Department consults with and has the approval of Human Resources.
3. The Department shall provide written notice to the Staff Member of the separation. Written notice is to be delivered personally to the Staff Member or mailed to the Staff Member's last known address.

C. Separation Due to Unavailability

1. A Staff Member may be separated from employment on the basis of unavailability when the Staff Member is unable to return to the Staff Member's position after all approved leave has been exhausted and there is no reasonable alternative available that would allow the Staff Member to return to the position and perform the functions of the job. Reasonable alternatives may include, but not be limited to, a reasonable accommodation requested in accordance with the Americans with Disabilities Act, an unpaid extended medical leave, or a business adjustment.
2. Prior to implementing a separation due to unavailability the Department shall provide the Staff Member written notice of the following:
  - a. the pending separation;
  - b. the reason for the action (i.e., the Staff Member is unable to return to work);
  - c. the proposed effective date of the separation; and
  - d. the opportunity to propose reasonable alternatives that would allow the employee to return to work. The Staff Member must submit proposed reasonable alternatives in writing within five (5) working days to Human Resources.

3. At the conclusion of the five (5) day response period, and after taking into consideration any proposed alternative or other information the Staff Member may have offered, the Department must consult with and obtain the approval of Human Resources before separation can occur.
4. The Department shall provide written notice to the Staff Member of the separation. Written notice is to be either delivered personally to the Staff Member or mailed to the Staff Member's last known address.

D. Other Separations

1. Staff Members may also be separated from employment for reasons including but not limited to;
  - a. lack of appropriate I-9/E-Verify or other required employment eligibility verification.
2. Loss of eligibility to perform the functions of the job. This includes lack of proper licensure, certification, and/or privileges granted by the University or other regulatory bodies.

E. Departments Responsibilities

1. Departments are responsible to ensure that all University property is returned (keys, ID cards, credit cards, equipment, etc), all debts are resolved and all computer/data access discontinued.

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*Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.*

**IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources**

- A. Policies/ Rules. [ *reserved* ]
- B. Procedures, Guidelines, and Forms. [ *reserved* ]

C. Other Related Resources. [ *reserved* ]

## **V. References**

A. Policy 1-012: University Non-Discrimination Policy

B. Policy 5-203: Staff Employee Grievances

C. Policy 5-117: ADA Reasonable Accommodations

D. Policy 5-200: Leaves of Absence (Health-Related)

E. Policy 5-302: Retirement Programs

## **VI. Contacts**

The designated contact officials for this Regulation are

A. Policy Owner(s) (primary contact person for questions and advice): Director of Employee Relations for Human Resources

B. Policy Officer(s): Chief Human Resource Officer

See Rule 1-001 for information about the roles and authority of policy owners and policy officers.

## **VII. History**

Revision History.

A. Current version. Revision 3.

1. Approved by -- Academic Senate April 5, 2010, and Board of Trustees April 13, 2010, with effective date of April 13, 2010.
2. Editorial Revisions
  - a. Editorially revised March 2, 2023 to move to current regulations template
  - b. Editorially revised March 23, 2022 to replace gender-specific pronouns
  - c. Editorially revised October 11, 2011 to reflect the changes in employee definitions as set forth in Policy 5-100.

B. Previous versions.

1. Revision 2. Effective Date. February 13, 2006
2. Revision 1. Effective Date. January 29, 2004
3. Revision 0. Effect Date July 13, 1998

C. Renumbering

1. Renumbered from Policy and Procedures Manual 2-8.